

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)  
Attorney Docket: 056209.52219D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a \_ continuation or X divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 10/390,771

Filed on March 19, 2003

Of Shiro Yamaoka et al.

Entitled: Control Apparatus And Control Method For Multi-Cylinder Engine

Examiner: Andrew Dollinar

Group: 3747

X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.

Total pages of specification, claims and abstract: 50

X 2. New Formal drawings are being filed herewith consisting of 7 sheet(s), depicting Figures 1-10.

X 3. Declaration and Power of Attorney:

a. \_ Newly executed (original or copy)

b. X Copy from prior application

i. \_ Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Small entity status:
- a. ☐ A small entity statement is enclosed
- b. ☐ A statement of small entity status (copy attached) was filed on ☐ in the prior application and status as a small entity is still proper and desired.
- c. ☐ Is no longer claimed
- X 6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee					<u>\$385</u>	<u>\$770</u>
Total Claims	<u>19</u>	-	<u>20 = 0</u>	x	<u>9 = \$</u>	<u>18 = \$ 00.00</u>
Ind. Claims	<u>2</u>	-	<u>3 = 0</u>	x	<u>43 = \$</u>	<u>86 = \$ 00.00</u>
	<u>Multiple Dependent Claims</u>			+	<u>145 = \$</u>	<u>290 = \$</u>
	Total				<u>\$</u>	<u>\$ 770.00</u>

- ☐ 7. Please charge my Deposit Account No. 05-1323 (Docket # ☐) in the amount of \$ ☐.
- X 8. A check in the amount of \$770.00 to cover the filing fee is enclosed.
- X 9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056209.52219D1).
- X 10. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 10/390,771, filed March 19, 2003.--
- X 11. Priority of Appln. No(s). 2002-270634, filed in Japan on September 17, 2002, is hereby claimed under 35 U.S.C. 119.
- X 12. A certified copy of each said priority document was filed in application Serial No. 10/390,771 on March 19, 2003.
- X 13. The prior application is assigned of record to Hitachi, Ltd..
- X 14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- ☒ a. The power appears in the original application papers in the prior application.
- ☐ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- ☐ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

- ☒ d. Address all future correspondence to:

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

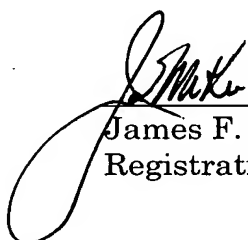
Customer No.

23911

- ☐ 15. Copies of Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- ☒ 16. Return Receipt Postcard.
- ☐ 17. Other: ☐

Respectfully submitted,

April 22, 2004

  
James F. McKeown  
Registration No. 25,406

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JFM/lvb  
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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770

## Complete if Known

Application Number	To Be Assigned
Filing Date	April 22, 2004
First Named Inventor	Shiro YAMAOKA
Examiner Name	Andrew Dollinar
Art Unit	3747
Attorney Docket No.	056209.52219D1

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	05-1323
Deposit Account Name	Crowell & Moring LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any deficiency or credit any overpayments to the deposit account of the undersigned. Attorney Docket No. 056209.52219C1☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			770

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims 19	-20** = 0	x 18	= 00.00
Indep. Claims 2	-3** = 0	x 86	= 00.00
Multiple Dependent			=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$ 00.00

\*\*or number previously paid, if greater; For Reissues, see above.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for ex parte reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 420	2252 210	Extension for reply within second month
1253 950	2253 475	Extension for reply within third month
1254 1,480	2254 740	Extension for reply within fourth month
1255 2,010	2255 1,005	Extension for reply within fifth month
1401 330	2401 165	Notice of Appeal
1402 330	2402 165	Filing a brief in support of an appeal
1403 290	2403 145	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,330	2453 665	Petition to revive - unintentional
1501 1,330	2501 665	Utility issue fee (or reissue)
1502 480	2502 240	Design issue fee
1503 640	2503 320	Plant issue fee
1406 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))
1801 770	2801 385	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	James F. McKown	Registration No. (Attorney/Agent)	25,406	Telephone	202-624-2500
Signature		Date	04/22/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.